## IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF GEORGIA MACON DIVISION

LANCASTER CAPITAL SERVICES, LLC, a Pennsylvania Limited Liability Company,	) ) )
Plaintiff,	
v.	) CIVIL ACTION NO. 5:11-CV-126(MTT)
LANCE S. McDOUGLE,	
Defendant.	) )

## ORDER GRANTING PLAINTIFF'S MOTION TO SERVE SUMMONS AND COMPLAINT BY ALTERNATE MEANS

This matter is before the Court on Plaintiff Lancaster Capital Services, LLC's Motion to Serve Summons and Complaint by Alternate Means.

The Court has reviewed and considered said Motion. Plaintiff filed its Complaint on or about April 4, 2011 [Doc. 1].

Rule 4(e)(1) of the Federal Rules of Civil Procedure allows an individual to be served by "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made". Fed. R. Civ. P. 4(e)(1). Georgia law allows the Court to prescribe service by alternate means "according to the exigencies of each case, consistent with the Constitution." O.C.G.A. § 9-11-4(j).

This Court finds that diligent efforts were used to locate Mr. McDougle and to serve him by conventional methods. This Court finds that Defendant Lance S. McDougle has actual knowledge of the suit against him and has willfully concealed

himself to frustrate all reasonable efforts to effect personal service. See Green v. Cimafranca, 288 Ga. App. 16, 19 (2007) (citing Melton v. Johnson, 242 Ga. 400, 249 S.E.2d 82 (1978)).

Lancaster requests that this Court allow it to serve McDougle by mailing the Summons and Complaint by regular U.S. Mail to 107 Bridgeway Drive, Warner Robins, GA 31088 <u>and</u> to McDougle at PO Box 847, Bonaire, GA 31005-0847 and by tacking to the front door of 107 Bridgeway Drive, Warner Robins, GA 31088.

This Court finds that the requested alternate means of service meets the requirements for procedural due process. The requested alternate means of service is reasonably calculated to provide Mr. McDougle with actual notice of the pendency of the action against him and to and afford him an opportunity to present his objections. See Saxton v. Davis, 262 Ga. App. 72, 73, 584 S.E.2d 683 (2003).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Serve Summons and Complaint by Alternate Means is GRANTED.

IT IS FURTHER ORDERED that Plaintiff serve McDougle by mailing a copy of this Order and the Summons and Complaint by regular U.S. Mail to 107 Bridgeway Drive, Warner Robins, GA 31088 <u>and</u> to McDougle at PO Box 847, Bonaire, GA 31005-0847 and by tacking to the front door of 107 Bridgeway Drive, Warner Robins, GA 31088.

**SO ORDERED** this 16th day of September, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT